

**Introduced by Senator Atkins****(Principal coauthors: Senators De León, Galgiani, Monning,  
Skinner, and Wiener)****(Principal coauthors: Assembly Members Gloria, Low, and Mark Stone)**January 24, 2017

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An act to amend Sections 1277 and 1278 of the Code of Civil Procedure, to amend Sections 103425, 103426, 103430, 103435, and 103440 of, and to amend the heading of Article 7 (commencing with Section 103425) of Chapter 11 of Part 1 of Division 102 of, the Health and Safety Code, and to amend Sections 12811 and 13005 of the Vehicle Code, relating to gender identity.

## LEGISLATIVE COUNSEL'S DIGEST

SB 179, as introduced, Atkins. Gender identity: female, male, or nonbinary.

(1) Existing law authorizes a person who was born in this state and who has undergone clinically appropriate treatment for the purpose of gender transition to obtain a new birth certificate from the State Registrar.

This bill would delete the requirement that an applicant have undergone any treatment and instead would authorize a person to submit to the State Registrar an application to change gender on the birth certificate and an affidavit attesting, under penalty of perjury, that the request for a change of gender is to conform the person's legal gender to the person's gender identity and not for any fraudulent purpose. By requiring the affidavit to be attested to under penalty of perjury, this bill would create a crime, and thus impose a state-mandated local program. This bill would authorize the change of gender on the new birth certificate to be female, male, or nonbinary.

(2) Existing law authorizes a person who has undergone clinically appropriate treatment for the purpose of gender transition to seek a judgment from the superior court recognizing the change of gender, conforming the person's name to the person's gender identity, or for both, and provides specific procedures to seek these judgments.

This bill would delete the requirement that a person have undergone any treatment to seek a court judgment to recognize a change of gender and instead would authorize the petitioner to attest, under penalty of perjury, that the request is to conform the person's legal gender to the person's gender identity and not for any fraudulent purpose. By requiring the affidavit to be attested to under penalty of perjury, this bill would create a crime, and thus impose a state-mandated local program. The bill would authorize a change of gender in the court order to female, male, or nonbinary. The bill would require the court to grant a judgment recognizing the change of gender within 28 days of the filing of the petition, unless an objection is filed. The bill would also specifically authorize a procedure for a person under 18 years of age to petition for a change of gender.

(3) Existing law requires the Department of Motor Vehicles to issue a driver's license to an applicant when the department determines that the applicant is lawfully entitled to a license, and requires the license to contain, among other things, a brief description and engraved picture or photograph of the licensee for the purpose of identification. Existing law authorizes the department to issue identification cards and requires an identification card to adequately describe the applicant.

This bill would require the applicant for a driver's license or identification card to choose a gender category of female, male, or nonbinary to be included as part of the applicant's description. The bill would also require the department to promulgate regulations for an expedient amendment of a gender category on a driver's license and identification card.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

SECTION 1. Section 1277 of the Code of Civil Procedure is amended to read:

1277. (a) (1) If a proceeding for a change of name is commenced by the filing of a petition, except as provided in subdivisions (b), (c), and (e), the court shall thereupon make an order reciting the filing of the petition, the name of the person by whom it is filed, and the name proposed. The order shall direct all persons interested in the matter to appear before the court at a time and place specified, which shall be not less than 6 weeks nor more than 12 weeks from the time of making the order, unless the court orders a different time, to show cause why the application for change of name should not be granted. The order shall direct all persons interested in the matter to make known any objection that they may have to the granting of the petition for change of name by filing a written objection, which includes the reasons for the objection, with the court at least two court days before the matter is scheduled to be heard and by appearing in court at the hearing to show cause why the petition for change of name should not be granted. The order shall state that, if no written objection is timely filed, the court may grant the petition without a hearing. If the petition seeks to conform the petitioner's name to ~~his or her~~ *the petitioner's* gender identity and no objection is timely ~~filed~~, *filed within 28 days of the filing of the petition*, the court shall grant the petition without a hearing.

(2) A copy of the order to show cause shall be published pursuant to Section 6064 of the Government Code in a newspaper of general circulation to be designated in the order published in the county. If a newspaper of general circulation is not published in the county, a copy of the order to show cause shall be posted by the clerk of the court in three of the most public places in the county in which the court is located, for a like period. Proof shall be made to the satisfaction of the court of this publication or posting at the time of the hearing of the application.

(3) Four weekly publications shall be sufficient publication of the order to show cause. If the order is published in a daily newspaper, publication once a week for four successive weeks shall be sufficient.

(4) If a petition has been filed for a minor by a parent and the other parent, if living, does not join in consenting thereto, the petitioner shall cause, not less than 30 days before the hearing, to be served notice of the time and place of the hearing or a copy of the order to show cause on the other parent pursuant to Section 413.10, 414.10, 415.10, or 415.40. If notice of the hearing cannot reasonably be accomplished pursuant to Section 415.10 or 415.40, the court may order that notice be given in a manner that the court determines is reasonably calculated to give actual notice to the nonconsenting parent. In that case, if the court determines that notice by publication is reasonably calculated to give actual notice to the nonconsenting parent, the court may determine that publication of the order to show cause pursuant to this subdivision is sufficient notice to the nonconsenting parent.

(5) If the petition for a change of name is sought in order to conform the petitioner's name to his or her gender identity, the action for a change of name is exempt from the requirement for publication of the order to show cause under this subdivision.

(b) (1) If the petition for a change of name alleges a reason or circumstance described in paragraph (2), and the petitioner has established that he or she is an active participant in the address confidentiality program created pursuant to Chapter 3.1 (commencing with Section 6205) of Division 7 of Title 1 of the Government Code, and that the name he or she is seeking to acquire is on file with the Secretary of State, the action for a change of name is exempt from the requirement for publication of the order to show cause under subdivision (a), and the petition and the order of the court shall, in lieu of reciting the proposed name, indicate that the proposed name is confidential and is on file with the Secretary of State pursuant to the provisions of the address confidentiality program.

(2) The procedure described in paragraph (1) applies to petitions alleging any of the following reasons or circumstances:

(A) To avoid domestic violence, as defined in Section 6211 of the Family Code.

(B) To avoid stalking, as defined in Section 646.9 of the Penal Code.

(C) The petitioner is, or is filing on behalf of, a victim of sexual assault, as defined in Section 1036.2 of the Evidence Code.

1 (3) For any petition under this subdivision, the current legal  
2 name of the petitioner shall be kept confidential by the court and  
3 shall not be published or posted in the court's calendars, indexes,  
4 or register of actions, as required by Article 7 (commencing with  
5 Section 69840) of Chapter 5 of Title 8 of the Government Code,  
6 or by any means or in any public forum, including a hardcopy or  
7 an electronic copy, or any other type of public media or display.

8 (4) Notwithstanding paragraph (3), the court may, at the request  
9 of the petitioner, issue an order reciting the name of the petitioner  
10 at the time of the filing of the petition and the new legal name of  
11 the petitioner as a result of the court's granting of the petition.

12 (5) A petitioner may request that the court file the petition and  
13 any other papers associated with the proceeding under seal. The  
14 court may consider the request at the same time as the petition for  
15 name change, and may grant the request in any case in which the  
16 court finds that all of the following factors apply:

17 (A) There exists an overriding interest that overcomes the right  
18 of public access to the record.

19 (B) The overriding interest supports sealing the record.

20 (C) A substantial probability exists that the overriding interest  
21 will be prejudiced if the record is not sealed.

22 (D) The proposed order to seal the records is narrowly tailored.

23 (E) No less restrictive means exist to achieve the overriding  
24 interest.

25 (c) A proceeding for a change of name for a witness participating  
26 in the state Witness Relocation and Assistance Program established  
27 by Title 7.5 (commencing with Section 14020) of Part 4 of the  
28 Penal Code who has been approved for the change of name by the  
29 program is exempt from the requirement for publication of the  
30 order to show cause under subdivision (a).

31 (d) If an application for change of name is brought as part of  
32 an action under the Uniform Parentage Act (Part 3 (commencing  
33 with Section 7600) of Division 12 of the Family Code), whether  
34 as part of a petition or cross-complaint or as a separate order to  
35 show cause in a pending action thereunder, service of the  
36 application shall be made upon all other parties to the action in a  
37 like manner as prescribed for the service of a summons, as set forth  
38 in Article 3 (commencing with Section 415.10) of Chapter 4 of  
39 Title 5 of Part 2. Upon the setting of a hearing on the issue, notice  
40 of the hearing shall be given to all parties in the action in a like

1 manner and within the time limits prescribed generally for the type  
2 of hearing (whether trial or order to show cause) at which the issue  
3 of the change of name is to be decided.

4 (e) If a guardian files a petition to change the name of his or her  
5 minor ward pursuant to Section 1276:

6 (1) The guardian shall provide notice of the hearing to any living  
7 parent of the minor by personal service at least 30 days before the  
8 hearing.

9 (2) If either or both parents are deceased or cannot be located,  
10 the guardian shall cause, not less than 30 days before the hearing,  
11 to be served a notice of the time and place of the hearing or a copy  
12 of the order to show cause on the child's grandparents, if living,  
13 pursuant to Section 413.10, 414.10, 415.10, or 415.40.

14 (f) This section shall become operative on July 1, 2014.

15 SEC. 2. Section 1278 of the Code of Civil Procedure is  
16 amended to read:

17 1278. (a) (1) Except as provided in subdivisions (c) and (d),  
18 the petition or application shall be heard at the time designated by  
19 the court, only if objections are filed by a person who can, in those  
20 objections, show to the court good reason against the change of  
21 name. At the hearing, the court may examine on oath any of the  
22 petitioners, remonstrants, or other persons touching the petition  
23 or application, and may make an order changing the name, or  
24 dismissing the petition or application, as the court may seem right  
25 and proper.

26 (2) If no objection is filed at least two court days before the date  
27 set for hearing, the court may, without hearing, enter the order that  
28 the change of name is granted. If the petition seeks to conform the  
29 petitioner's name to ~~his or her~~ *the petitioner's* gender identity and  
30 no objection is timely ~~filed~~, *filed within 28 days of the filing of the*  
31 *petition*, the court shall grant the petition without a hearing.

32 (b) If the provisions of subdivision (b) of Section 1277 apply,  
33 the court shall not disclose the proposed name unless the court  
34 finds by clear and convincing evidence that the allegations of  
35 domestic violence, stalking, ~~sexual assault, or gender identity or~~  
36 *sexual assault* in the petition are false.

37 (c) If the application for a change of name is brought as part of  
38 an action under the Uniform Parentage Act (Part 3 (commencing  
39 with Section 7600) of Division 12 of the Family Code), the hearing  
40 on the issue of the change of name shall be conducted pursuant to

1 statutes and rules of court governing those proceedings, whether  
2 the hearing is conducted upon an order to show cause or upon trial.

3 (d) If the petition for a change of name is filed by a guardian  
4 on behalf of a minor ward, the court shall first find that the ward  
5 is likely to remain in the guardian's care until the age of majority  
6 and that the ward is not likely to be returned to the custody of his  
7 or her parents. Upon making those findings, the court shall consider  
8 the petition and may grant the petition only if it finds that the  
9 proposed name change is in the best interest of the child.

10 (e) This section shall become operative on July 1, 2014.

11 SEC. 3. The heading of Article 7 (commencing with Section  
12 103425) of Chapter 11 of Part 1 of Division 102 of the Health and  
13 Safety Code is amended to read:

14  
15 Article 7. Revision of Birth Records to Reflect Change of ~~Sex~~  
16 *Gender*  
17

18 SEC. 4. Section 103425 of the Health and Safety Code is  
19 amended to read:

20 103425. (a) ~~Whenever a person has undergone clinically~~  
21 ~~appropriate treatment for the purpose of gender transition, the~~  
22 ~~person~~ *A person* may file a petition with the superior court in any  
23 county seeking a judgment recognizing the change of ~~gender.~~  
24 ~~gender to female, male, or nonbinary.~~

25 (b) If requested, the judgment shall include an order that a new  
26 birth certificate be prepared for the person reflecting the change  
27 of gender and any change of name accomplished by an order of a  
28 court of this state, another state, the District of Columbia, or any  
29 territory of the United States.

30 SEC. 5. Section 103426 of the Health and Safety Code is  
31 amended to read:

32 103426. The State Registrar shall issue a new birth certificate  
33 reflecting a change of ~~sex~~ *gender to female, male, or nonbinary*  
34 without a court order for any person born in this state ~~who has~~  
35 ~~undergone clinically appropriate treatment for the purpose of~~  
36 ~~gender transition and~~ *who* submits directly to the State Registrar  
37 ~~the affidavit described in subdivision (a) of Section 103430 that~~  
38 ~~includes the signature and physician license number of a licensed~~  
39 ~~physician.~~ *an application to change the gender on the birth*  
40 *certificate and an affidavit attesting under penalty of perjury that*

1 *the request for a change of gender to (female, male, or binary) is*  
2 *to conform the person's legal gender to the person's gender identity*  
3 *and is not made for any fraudulent purpose. Upon receipt of the*  
4 *documentation and the fee prescribed by Section 103725, the State*  
5 *Registrar shall establish a new birth certificate reflecting the*  
6 *person's correct sex the gender stated in the application and any*  
7 *change in name, if accompanied by a court order for a change of*  
8 *name.*

9 SEC. 6. Section 103430 of the Health and Safety Code is  
10 amended to read:

11 103430. (a) ~~The~~ *A petition for a court order to recognize a*  
12 *change in the petitioner's gender as female, male, or nonbinary*  
13 *shall be accompanied by an affidavit of a physician attesting that*  
14 *the person has undergone clinically appropriate treatment for the*  
15 *purpose of gender transition, based on contemporary medical*  
16 *standards, and a certified copy of the court order changing the*  
17 *applicant's name, if applicable. The physician's affidavit shall be*  
18 *accepted as conclusive proof of gender change if it contains*  
19 *substantially the following language: "I, (physician's full name),*  
20 *(physician's medical license or certificate number), am a licensed*  
21 *physician in (jurisdiction). I attest that (name of petitioner) has*  
22 *undergone clinically appropriate treatment for the purpose of*  
23 *gender transition to (male or female). I declare that the foregoing*  
24 *is true and correct to the best of my knowledge." from the petitioner*  
25 *and a certified copy of the court order changing the petitioner's*  
26 *name, if applicable. The petitioner's affidavit shall be accepted*  
27 *as conclusive proof of gender change if it contains substantially*  
28 *the following language: "I, (petitioner's full name), hereby attest*  
29 *under penalty of perjury that the request for a change in gender*  
30 *to (female, male, or binary) is to conform my legal gender to my*  
31 *gender identity and is not for any fraudulent purpose."*

32 (b) *The court shall grant the petition without a hearing within*  
33 *28 days of the filing of the petition, unless an objection is timely*  
34 *filed. If an objection was timely filed, the petition shall be heard*  
35 *at the time appointed by the court. At the hearing, the court may*  
36 *examine on oath the petitioner, and any other person having*  
37 *knowledge of facts relevant to the application. petition. At the*  
38 *conclusion of the hearing the court shall grant the petition if the*  
39 *court determines that the physician's affidavit shows that the person*



~~has undergone clinically appropriate treatment for the purpose of gender transition. petition is not made for any fraudulent purpose.~~

(c) If the judgment includes an order for a new birth certificate and if the petitioner was born in this state, a certified copy of the decree of the court ordering the new birth certificate, shall, within 30 days from the date of the decree, be filed with the State Registrar. Upon receipt thereof together with the fee prescribed by Section 103725, the State Registrar shall establish a new birth certificate for the ~~applicant. petitioner.~~

(d) The new birth certificate shall indicate the ~~sex~~ gender of the ~~registrant petitioner,~~ as specified in the judgment of the ~~court~~ court, and shall reflect any change of name specified in the ~~application~~ if accompanied by a court order, as prescribed by Section 103425. No reference shall be made in the new birth certificate, nor shall its form in any way indicate, that it is not the original birth certificate of the ~~registrant. petitioner.~~

SEC. 7. Section 103435 of the Health and Safety Code is amended to read:

103435. (a) In lieu of separate proceedings, a single petition may be filed with the superior court to change the petitioner's name and recognize the change to petitioner's gender and, if requested, to order the issuance of a new birth certificate. With respect to such a petition, the court shall follow the procedure set forth in Title 8 (commencing with Section 1275) of Part III of the Code of Civil Procedure; however, the order to show cause shall not include the petition to recognize the change of gender. A certified copy of the decree of the court issued pursuant to this section shall, within 30 days, be filed with both the Secretary of State and, if the judgment includes an order for a new birth certificate and if the petitioner was born in this state, the State Registrar. Upon its receipt, the State Registrar shall establish a new birth certificate as provided in this article.

(b) *If the person petitioning for a change of gender is under 18 years of age, the petition may be signed either by one of the person's parents, or by any legal guardian of the person, or if both parents are deceased and there is no guardian of the person, by a near relative or friend of the person or as provided in Section 7638 of the Family Code.*

(c) *If a petition has been filed for a minor by a parent and the other parent, if living, does not join in consenting thereto, the*

1 *petitioner shall cause, not less than 30 days after filing, to be*  
2 *served notice of a copy of the order to show cause on the other*  
3 *parent pursuant to Section 413.10, 414.10, 415.10, or 415.40 of*  
4 *the Code of Civil Procedure. If notice of the hearing cannot*  
5 *reasonably be accomplished pursuant to Section 415.10 or 415.40*  
6 *of the Code of Civil Procedure, the court may order that notice be*  
7 *given in a manner that the court determines is reasonably*  
8 *calculated to give actual notice to the nonconsenting parent.*

9 SEC. 8. Section 103440 of the Health and Safety Code is  
10 amended to read:

11 103440. The new birth certificate *established pursuant to this*  
12 *article* shall supplant any birth certificate previously registered for  
13 ~~the applicant~~ *registrant* and shall be the only birth certificate open  
14 to public inspection. The application and supporting affidavit *filed*  
15 *pursuant to Section 103426* shall be filed with the original record  
16 of birth, that shall remain as a part of the records of the State  
17 Registrar. All records and information specified in this article,  
18 other than the newly issued birth certificate, shall be available only  
19 upon written request of the registrant or an order of a court of  
20 record.

21 When a new birth certificate is established under this article, the  
22 State Registrar shall transmit copies of the newly established birth  
23 certificate for filing to the local registrar and the county recorder  
24 whose records contain copies of the original certificate, who shall  
25 forward the copies of the original certificate to the State Registrar  
26 for filing with the original certificate, if it is practical for him or  
27 her to do so. If it is impractical for him or her to forward the copy  
28 to the State Registrar, he or she shall effectually seal a cover over  
29 the copy of the original certificate in a manner as not to deface or  
30 destroy the copy and forward a verified statement of his or her  
31 action to the State Registrar. Thereafter the information contained  
32 in the record shall be available only upon written request of the  
33 registrant or on order of a court of record.

34 SEC. 9. Section 12811 of the Vehicle Code is amended to read:

35 12811. (a) (1) (A) When the department determines that the  
36 applicant is lawfully entitled to a license, it shall issue to the person  
37 a driver's license as applied for. The license shall state the class  
38 of license for which the licensee has qualified and shall contain  
39 the distinguishing number assigned to the applicant, the date of  
40 expiration, the true full name, age, and mailing address of the

1 licensee, a brief description and engraved picture or photograph  
2 of the licensee for the purpose of identification, and space for the  
3 signature of the licensee. *The applicant shall choose a gender*  
4 *category of female, male, or nonbinary to be included as part of*  
5 *the applicant's description on the driver's license. An applicant's*  
6 *choice of gender category on an original, renewed, or amended*  
7 *driver's license is not subject to review by the department. The*  
8 *department shall promulgate regulations to provide a process for*  
9 *an expedient amendment to a gender category and shall not require*  
10 *an applicant to provide documentation other than the request from*  
11 *the applicant.*

12 (B) Each license shall also contain a space for the endorsement  
13 of a record of each suspension or revocation of the license.

14 (C) The department shall use whatever process or processes, in  
15 the issuance of engraved or colored licenses, that prohibit, as near  
16 as possible, the ability to alter or reproduce the license, or prohibit  
17 the ability to superimpose a picture or photograph on the license  
18 without ready detection.

19 (2) In addition to the requirements of paragraph (1), a license  
20 issued to a person under 18 years of age shall display the words  
21 “provisional until age 18.”

22 (b) (1) On and after July 1, 2011, an application for an original  
23 or renewal driver's license or identification card shall contain a  
24 space for the applicant to enroll in the Donate Life California Organ  
25 and Tissue Donor Registry. The application shall include check  
26 boxes for an applicant to mark either (A) Yes, add my name to the  
27 donor registry or (B) I do not wish to register at this time.

28 (2) The department shall inquire verbally of an applicant  
29 applying in person for an original or renewal driver's license or  
30 identification card at a department office as to whether the applicant  
31 wishes to enroll in the Donate Life California Organ and Tissue  
32 Donor Registry. Failure or refusal to answer this question or check  
33 a box on the application form shall not be a basis for the department  
34 to deny an applicant a driver's license or identification card.

35 (3) The following language shall be included with the question  
36 required by paragraph (1):  
37

38 “Marking ‘Yes’ adds your name to the Donate Life California  
39 Organ and Tissue Donor Registry and a pink ‘donor’ dot will  
40 appear on your license. If you wish to remove your name from the

1 registry you must contact Donate Life California (see back); DMV  
2 can remove the pink dot from your licenses but cannot remove  
3 you from the registry.”

4  
5 (4) The back of the application shall contain the following  
6 statement:

7  
8 “If, on the front of this form, you marked ‘Yes’ to register as an  
9 organ and tissue donor you are legally authorizing the recovery of  
10 organs and tissues in the event of your death. Registering as a  
11 donor will not affect your medical treatment in any way. As  
12 outlined in the California Anatomical Gift Act, your authorization  
13 is legally binding and, unless the donor is under 18 years of age,  
14 your decision does not require the consent of any other person.  
15 For registered donors under 18 years of age, the legal guardian  
16 shall make the final donation decision. You may limit your  
17 donation to specific organs or tissues, place usage restrictions, for  
18 example transplantation or research, obtain more information about  
19 donation, or remove your name from the registry on the Internet  
20 Web site of Donate Life California:  
21 [www.donateLIFecalifornia.org](http://www.donateLIFecalifornia.org).”

22  
23 (5) Notwithstanding any other law, a person under 18 years of  
24 age may register as a donor. However, the legal guardian of that  
25 person shall make the final decision regarding the donation.

26 (6) The department shall collect donor designation information  
27 on all applications for an original or renewal driver’s license or  
28 identification card.

29 (7) The department shall print the word “DONOR” or another  
30 appropriate designation on the face of a driver’s license or  
31 identification card to a person who has indicated on the application  
32 his or her intent to enroll in the organ donation program pursuant  
33 to this section.

34 (8) On a weekly basis, the department shall electronically  
35 transmit to Donate Life California, a nonprofit organization  
36 established and designated as the California Organ and Tissue  
37 Donor Registrar pursuant to Section 7150.90 of the Health and  
38 Safety Code, all of the following information from every  
39 application that indicates the applicant’s decision to enroll in the  
40 organ donation program:

1 (A) His or her true full name.

2 (B) His or her residence or mailing address.

3 (C) His or her year of birth.

4 (D) His or her California driver's license number or  
5 identification card number.

6 (9) (A) A person who applies for an original or renewal driver's  
7 license or identification card may designate a voluntary  
8 contribution of two dollars (\$2) for the purpose of promoting and  
9 supporting organ and tissue donation. This contribution shall be  
10 collected by the department, and treated as a voluntary contribution  
11 to Donate Life California and not as a fee for the issuance of a  
12 driver's license or identification card.

13 (B) The department may use the donations collected pursuant  
14 to this paragraph to cover its actual administrative costs incurred  
15 pursuant to paragraphs (6) to (8), inclusive. The department shall  
16 deposit all revenue derived pursuant to this paragraph and  
17 remaining after the department's deduction for administrative costs  
18 in the Donate Life California Trust Subaccount, that is hereby  
19 created in the Motor Vehicle Account in the State Transportation  
20 Fund. Notwithstanding Section 13340 of the Government Code,  
21 all revenue in this subaccount is continuously appropriated, without  
22 regard to fiscal years, to the Controller for allocation to Donate  
23 Life California and shall be expended for the purpose of increasing  
24 participation in organ donation programs.

25 (C) The department shall transmit to the Donate Life California  
26 Organ and Tissue Donor Registry and the appropriate policy and  
27 fiscal committees of the Legislature an annual report, and shall  
28 make available quarterly updates, detailing funds collected through  
29 voluntary contributions as well as a summary of applicants,  
30 including all of the following nonidentifiable information:

31 (i) Date of application.

32 (ii) Method of application (field office, online, or mail).

33 (iii) Donor registration status.

34 (iv) ZIP Code.

35 (v) Gender.

36 (vi) Year of birth.

37 (D) (i) The annual report to be submitted to the appropriate  
38 policy and fiscal committees of the Legislature pursuant to  
39 subparagraph (C) shall be submitted in compliance with Section  
40 9795 of the Government Code.

(ii) Pursuant to Section 10231.5 of the Government Code, the requirement for submitting the annual report to the appropriate policy and fiscal committees of the Legislature imposed under subparagraph (C) is inoperative four years after the date the first annual report is due.

(10) The enrollment form shall be posted on the Internet Web sites for the department and the California Health and Human Services Agency.

(11) The enrollment shall constitute a legal document pursuant to the Uniform Anatomical Gift Act (Chapter 3.5 (commencing with Section 7150) of Part 1 of Division 7 of the Health and Safety Code) and shall remain binding after the donor's death despite any express desires of next of kin opposed to the donation. Except as provided in paragraph (5) of subdivision (b), the donation does not require the consent of any other person.

(12) Donate Life California shall ensure that all additions and deletions to the California Organ and Tissue Donor Registry, established pursuant to Section 7150.90 of the Health and Safety Code, shall occur within 30 days of receipt.

(13) Information obtained by Donate Life California for the purposes of this subdivision shall be used for these purposes only and shall not be disseminated further by Donate Life California.

(c) (1) All applications for a driver's license or identification card shall contain a space for an applicant to indicate whether he or she has served in the Armed Forces of the United States and to give his or her consent to be contacted regarding eligibility to receive state or federal veterans benefits. The application shall contain the following statement:

“By marking the veteran box on this application, I certify that I am a veteran of the United States Armed Forces and that I want to receive veterans benefits information from the California Department of Veterans Affairs. By marking the veteran box on this application, I also consent to DMV transmitting my name and mailing address to the California Department of Veterans Affairs for this purpose only, and I certify that I have been notified that this transmittal will occur.”

(2) The department shall collect the information obtained pursuant to paragraph (1).

1 (3) As mutually agreed between the department and the  
2 Department of Veterans Affairs, the department shall electronically  
3 transmit to the Department of Veterans Affairs the following  
4 information on each applicant who has identified that he or she  
5 has served in the Armed Forces of the United States since the last  
6 data transfer and has consented to be contacted about veterans  
7 benefits:

8 (A) His or her true full name.

9 (B) His or her mailing address.

10 (4) Information obtained by the Department of Veterans Affairs  
11 for the purposes of this subdivision shall be used for the purpose  
12 of assisting individuals to access veterans benefits and shall not  
13 be disseminated except as needed for this purpose.

14 (5) Commencing November 11, 2015, an in-person application  
15 for a driver's license or identification card shall allow an applicant  
16 to request the word "VETERAN" be printed on the face of the  
17 driver's license or identification card. A verification form shall be  
18 developed by the Department of Veterans Affairs in consultation  
19 with the Department of Motor Vehicles and the California  
20 Association of County Veterans Service Officers to acknowledge  
21 verification of veteran status. A county veterans service office  
22 shall verify the veteran's status as a veteran, sign the verification  
23 form, and return it to the veteran. The Department of Motor  
24 Vehicles shall accept the signed verification form as proof of  
25 veteran status. Upon payment of the fee required pursuant to  
26 Section 14901.1, the word "VETERAN" shall be printed on the  
27 face of a driver's license or identification card, in a location  
28 determined by the department, and issued to a person who makes  
29 this request and presents the verification form to the department.

30 (d) A public entity or employee shall not be liable for loss,  
31 detriment, or injury resulting directly or indirectly from false or  
32 inaccurate information contained in the form provided pursuant  
33 to subdivision (b).

34 (e) A contract shall not be awarded to a nongovernmental entity  
35 for the processing of driver's licenses, unless the contract conforms  
36 to all applicable state contracting laws and all applicable procedures  
37 set forth in the State Contracting Manual.

38 SEC. 10. Section 13005 of the Vehicle Code is amended to  
39 read:

1 13005. (a) The identification card shall resemble in appearance,  
2 so far as is practicable, a driver's license issued pursuant to this  
3 code. It shall adequately describe the applicant, bear his or her  
4 picture, and be produced in color or engraved by a process or  
5 processes that prohibit, as near as possible, the ability to alter or  
6 reproduce the identification card, or prohibit the ability to  
7 superimpose a picture or photograph on the identification card  
8 without ready detection. *The applicant shall choose a gender*  
9 *category of female, male, or nonbinary to be included as part of*  
10 *the applicant's description on the identification card. An*  
11 *applicant's choice of gender category on an original, renewed, or*  
12 *amended identification card is not subject to review by the*  
13 *department. The department shall promulgate regulations to*  
14 *provide a process for an expedient amendment to a gender category*  
15 *and shall not require an applicant to provide documentation other*  
16 *than the request from the applicant.*

17 (b) (1) Upon issuance of a new identification card, or renewal  
18 of an identification card, the department shall provide information  
19 on organ and tissue donation, including a standardized form to be  
20 filled out by an individual who desires to enroll in the California  
21 Organ and Tissue Donor Registry with instructions for mailing  
22 the completed form to the California Organ and Tissue Donor  
23 Registrar established pursuant to subdivision (a) of Section 7150.90  
24 of the Health and Safety Code.

25 (2) The enrollment form shall be simple in design and shall be  
26 produced by the department, in cooperation with the California  
27 Organ and Tissue Donor Registrar, and shall require all of the  
28 following information to be supplied by the enrollee:

29 (A) Date of birth, sex, full name, address, and home telephone  
30 number.

31 (B) Consent for organs or tissues to be donated for transplant  
32 after death.

33 (C) Any limitation of the donation to specific organs, tissues,  
34 or research.

35 (3) The form shall also include a description of the process for  
36 having a name removed from the registry, and the process for  
37 donating money for the benefit of the registry.

38 (4) The registry enrollment form shall be posted on the Internet  
39 Web sites for the department and the California Health and Human  
40 Services Agency.



1 (5) The form shall constitute a legal document under the  
2 Uniform Anatomical Gift Act (Chapter 3.5 (commencing with  
3 Section 7150) of Part 1 of Division 7 of the Health and Safety  
4 Code).

5 (6) The registrar shall ensure that all additions and deletions to  
6 the registry shall occur within 30 days of receipt.

7 (7) Information obtained by the registrar for the purposes of  
8 this subdivision shall be used for these purposes only and shall not  
9 further be disseminated by the registrar.

10 (c) A contract shall not be awarded to a nongovernmental entity  
11 for the processing of identification cards unless the contract  
12 conforms to all applicable state contracting laws and all applicable  
13 procedures set forth in the State Contracting Manual.

14 SEC. 11. No reimbursement is required by this act pursuant to  
15 Section 6 of Article XIII B of the California Constitution because  
16 the only costs that may be incurred by a local agency or school  
17 district will be incurred because this act creates a new crime or  
18 infraction, eliminates a crime or infraction, or changes the penalty  
19 for a crime or infraction, within the meaning of Section 17556 of  
20 the Government Code, or changes the definition of a crime within  
21 the meaning of Section 6 of Article XIII B of the California  
22 Constitution.